IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTIETH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 24381 of 1997

Between:

Smt. K. Arunjyothi W/o Sri K. Shivaraj
R/o H.No. 6-6-74, Kawadiguda,
Hyderabad.

..... PETITIONER

AND

Hyderabad Metropolitan Water Supply & Sewerage Board, Rep. by its General Manager, Division No. 5,
Narayanaguda, Hyderabad.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order or direction, particularly one in the nature of Writ of Mandamus or any other, declaring the action of the respondent in issuing the impugned bills dt. 11-3-97, 19-4-1997 without any due notice and demanding the payment of Rs.700 per month against the meter reading and rates as illegal, arbitrary, unconstitutional and against the principles of natural justice.

Counsel for the Petitioner: MR.R.SATYANARAYANA REDDY

Counsel for the Respondent: MR.S.KISHAN RAO (Not present)

The Court made the following :

THE HON'BLE SRI JUSTICE N.V. RAMANA

W.P. No. 24381 of 1997

ORDER:

The petitioner filed this writ petition challenging the two demand notices dated 11-3-1997 and 19-4-1997 issued by the respondent for increase of water-cess without any notice or intimation to her about the fixation of slab rate of Rs.700/- as against the actual meter reading.

A counter-affidavit is filed on behalf of the respondent denying the allegations in the affidavit filed in support of the writ petition. It is stated that earlier there were seven independent houses, which were dismantled and in that place a multi-storied building has been constructed, for which water and sewerage connections have to be taken afresh under multi-storied building category duly making payments as per the Board proceedings upon the plot area. The petitioner has suppressed the said fact. Therefore, she is not entitled for any relief.

None appears for the respondent.

The learned counsel for the petitioner submitted that this Court by order dated 05-11-2002 while dismissing the writ petitions in W.P. Nos.11109 of 1997, 11136 of 1997 and 14268 of 1994, which are similar in nature to the present writ petition, recorded the following stand taken by the respondent-Board in its counter-affidavit, which

reads thus:

"It is further stated in the counter-affidavit that the Hyderabad Metropolitan Water Supply Rules 1990 and earlier Board Proceedings left the MSB undefined and from 01-4-1993 MSB has been defined and higher connection charges have been introduced for MSBs vide BP.No.34, dated 27-3-1993. Further there are MSBs having multiple connections from the period prior to formation of the Board and after formation of the Board. In order to regularize and conversion of multiple connections into single connection to such MSBs, the Board has undertaken survey, which is in progress. I hope on the basis of above survey the Board will act promptly in accordance with law."

Inasmuch as the subject matter of this writ petition is similar to W.P. Nos.11109 of 1997, 11136 of 1997 and 14268 of 1994, which are dismissed in the light of the above observation, no orders are required to be passed in this writ petition.

Accordingly, the writ petition is dismissed. No costs.

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N.V. RAMANA, J

Date: 30-3-2005

Svv

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The General Manager, Hyderabad Metropolitan Water Supply & Sewerage Board, Division No. 5, Narayanaguda, Hyderabad.

2 Two CD copies

*Form-NIC-OGS/WP{**MUK**}*